

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2017 NOV 20 P 3:39

JAMES THOMAS BRYANT,

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Petitioner,

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v.

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CV 116-025

UNITED STATES OF AMERICA,

(Formerly CR 105-110)

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Respondent.

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CLERK

SO. DIST. OF GA.

ORDER FOR THE AVOIDANCE OF DOUBT

In the captioned action, wherein this Court entered judgment on May 1, 2017, the Clerk of the United States Court of Appeals for the Eleventh Circuit has made several inquiries to the Clerk of this Court with respect to an untimely reply brief (doc. no. 19) filed by the Petitioner. A member of the staff of the Clerk of the Court of Appeals writes to the Clerk of this Court some no doubt well-intended suggestions for judicial action. "For the avoidance of doubt, the district court **should** dispose of that construed motion before this Court exercises jurisdiction over the appeal. The district court **could** enter an order simply saying that, to the extent Doc. 19 is construed as a motion for reconsideration, the motion is denied, and to the extent Doc. 19 is construed as a reply brief, nothing in the reply changes the court's order and judgment at Docs. 17 and 18." (E-mail Correspondence of

Oct. 17, 2017 (emphasis added).)

Apparently, it is the opinion of the Clerk of the Eleventh Circuit that, since the reply brief aforementioned "was filed after the entry of judgment, this reply could be construed as a motion for reconsideration, at least of the aspect of the court's order denying leave to amend his 2255 motion." (Id. (emphasis added).)

I suppose the untimely reply brief might possibly be given the construction suggested by the Eleventh Circuit Clerk, but I choose to consider it as an untimely reply brief which is null and void of any effect. It's too late, that's tough, it's over, and that's it.

The Clerk of this Court is **DIRECTED** to ignore any further electronic or other contact relative to this issue. In this most cordial but unequivocal way, this Order is **ENTERED** at Augusta to quiet all doubt and speculation relative to Petitioner's reply brief, document number 19, this 20th day of November, 2017.



UNITED STATES DISTRICT JUDGE